

To: Directors of Local Departments of Social Services
Community and Policy Management Teams
Executive Directors of Community Service Boards
Family Assessment and Planning Teams
CSA Coordinators

From: Anthony Conyers, Jr., Commissioner
Virginia Department of Social Services

Kim McGaughey, Executive Director
Virginia Office of Comprehensive Services for At Risk Youth & Families

James Reinhard, Commissioner
Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services

Subject: Foster Care Prevention Policy for Children Funded through CSA

Date: March 27, 2007

The current foster care prevention policy of the Virginia Department of Social Services (*DSS*) and the Virginia Office of Comprehensive Services for At Risk Youth and Families (*OCS*) is not consistent with the Comprehensive Services Act (*CSA*) law. There has also been inconsistent local administration on determining eligibility for foster care prevention services. As a result, some families may not receive services for their children to which they are legally entitled, without relinquishing custody.

Foster care prevention is a mandated service (§2.2-5211.C). Eligible children include those who are abused or neglected (§63.2-100) and those in need of services (§16.1-228). Children in need of services are defined as children whose behavior or condition poses a threat to themselves or, if they are under the age of 14, a threat to others (§16.1-228). Eligible children should have access to CSA mandated funds for the complement of services required to meet their needs. There are no statutory limits on the type or duration of services.

Secretary Tavenner has directed taking corrective actions necessary to ensure compliance with current law. The following foster care prevention policy for children funded through CSA is effective immediately.

- Children eligible for services to prevent foster care placements include children who are abused or neglected (§63.2-100) or in need of services (§16.1-228).
- Children eligible for foster care prevention services have access to CSA mandated funds for the complement of services required to meet their needs, including residential, nonresidential and community based services. Foster care services (§63.2-905) is statutorily defined as “a full range of casework, treatment and community services.” “Treatment” includes mental health services.
- Children who are eligible for CSA state pool funds, who are “in need of services,” and who require mental health services to prevent placement in the foster care

system shall have access to the complement of services to meet their unique needs through CSA mandated funds, without their families having to relinquish custody or enter into non-custodial agreements.

- Services for these children and their families should be based on the strengths and needs of the youth and families as determined by the Family Assessment and Planning Team and in accordance with the policies of the Community Policy and Management Team (§2.2-5208).
- The duration of services should be based on the needs of the youth and family. Thus, foster care prevention services are not limited to six months. There are no required reviews by the DSS regional staff for extending services beyond six months.
- Case management services should be provided by the agency that has the expertise to serve these children and families.
- Ongoing utilization management should be conducted to reassess the effectiveness and appropriateness of services, with frequency based on the needs of the individual child and restrictiveness of the placement.

OCS, DSS and the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (*DMHMRSAS*) request input from representatives of interested stakeholder groups on guidelines to clarify the criteria for determining eligibility for foster care prevention services funded through CSA mandated funds. OCS is arranging a meeting of representatives. The stakeholder groups include families, the Virginia Association of Counties, the Virginia Municipal League, the Virginia Association of Local Human Services Officials, the Virginia League of Social Services Executives, the CSA Coordinator's Network, the Virginia Association of Community Services Boards, Voices for Virginia's Children, the Virginia Poverty Law Center, Just Children, the Virginia Federation of Families, and the Virginia Integrated Network of Family Organizations.

The guidelines should address criteria based in statute. Specifically, the guidelines should:

- Define eligibility criteria consistent with Virginia law.
 - Children who are eligible to access CSA state pool funds are:
 - The child or youth has emotional or behavior problems that:
 - i. Have persisted over a significant period of time or, though only in evidence for a short period of time, are of such a critical nature that intervention is warranted;
 - ii. Are significantly disabling and are present in several community settings, such as at home, in school or with peers; and
 - iii. Require services or resources that are unavailable or inaccessible, or that are beyond the normal agency services or routine collaborative processes across agencies, or require coordinated interventions by at least two agencies. (§2.2-5212.A.1)
 - Children for whom foster care services (§63.2-905), are being provided to prevent foster care placements, including children who are:
 - Abused or neglected (§63.2-100); or

- In need of services, defined as children whose behavior or condition poses a threat to themselves or, if they are under the age of 14, a threat to others (§16.1-228).
- Define the process through which children are deemed “in need of services” (*including in need of mental health services*) and at risk of placement in the foster care system.

OCS will present the proposed guidelines to the State Executive Council at its April 18 meeting. We will then broadly distribute the proposed guidelines to all stakeholders for 60 days of public comment, per CSA statutory requirements (§2.2-2648.D4). Any revised guidelines will be presented to the SEC for final action at its July meeting. The guidelines, with accompanying DSS and DMHMRSAS policy, will be disseminated statewide and effective no later than August 1, 2007.

Please direct any comments or questions to:

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Thank you for immediately implementing this state policy to be consistent with state law. Families with eligible children should now be able to access the necessary complement of services to meet their unique needs without having to relinquish custody of their children.

cc: The Honorable Marilyn Tavenner